Case 2:10-cv-00841-EL Document 1-3 Filed 03/01/10 Page 1 of 9

EXHIBIT C

6/22/2009 Case 2:10-cv-00841-EL Document 1-3 Filed 03/01/10 Page 2 of 9



Keyword Advertising

This type of advertising uses keywords to trigger ads. Typically, advertisers select a set of keywords related to the product or service they wish to advertise. The ads are then displayed in relevant places based on those keywords. For example, Google matches advertiser-selected keywords to user search terms on Google.com in order to show relevant ads.

©2009 Google



Looking for help with the new AdWords interface?

<u>Hide</u>

This Help Center is for the previous AdWords interface. Learn more about the new interface and how you can switch:

Transition Overview | Help Center for the new interface

Where will my ads appear?

Ads with keywords

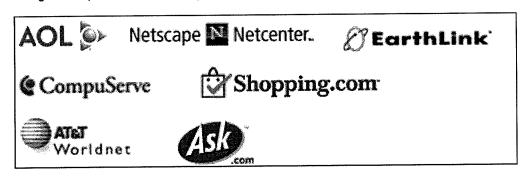
Ads from ad groups with keywords can appear on Google and the Google Network:

Google search results pages: Alongside or above the search results.

The Google Network: Search and content websites, plus other products and blogs. The Google Network is the largest advertising network available online, reaching over 86% of Internet users worldwide. You can be certain that your ads reach your target audience with Google AdWords.

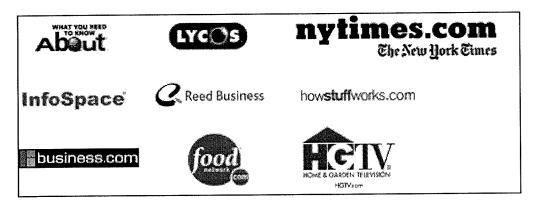
The search network

Your ads may appear alongside or above search results, as part of a results page as a user navigates through a site's directory, or on other relevant search pages. Our global search network includes Google Product Search and Google Groups and the following entities:



The content network partners

Our extensive content network of websites and products includes these partners:



Ads on the content network

AdWords ads on <u>content sites</u> are targeted to the content and URL of each page. In the screenshot below you can see how the ads are displayed on a content page and that the ads are directly relevant to the content of the page.

6/22/2009 Case 2:10-cv-00841-EL Document 1-3 Filed 03/01/10 Page 4 of 9



What is Google's U.S. trademark policy?

As a provider of space for advertisements, please note that Google is not in a position to arbitrate trademark disputes between the advertisers and trademark owners. As stated in our Terms and Conditions, the advertisers themselves are responsible for the keywords and ad content that they choose to use. Accordingly, we encourage trademark owners to resolve their disputes directly with the advertisers, particularly because the advertisers may have similar advertisements on other sites.

As a courtesy to trademark owners, however, we are willing to perform a limited investigation of reasonable complaints about use of trademarks in ads. In the US, our policy permits use of the trademark in the ad text in the following circumstances:

Ads which use the term in a descriptive or generic way, and not in reference to the trademark owner or the goods

or services corresponding to the trademark term.

Ads which use the trademark in a nominative manner to refer to the trademark or its owner, specifically: Resale of the trademarked goods or services: The advertiser's site must sell (or clearly facilitate the sale of) the goods or services corresponding to a trademark term. The landing page of the ad must clearly demonstrate that a user is able to purchase the goods or services corresponding to a trademark from the advertiser.

Sale of components, replacement parts or compatible products corresponding to a trademark: The advertiser's site must sell (or clearly facilitate the sale of) the components, replacement parts or compatible products relating to the goods or services of the trademark. The advertiser's landing page must clearly demonstrate that a user is able to purchase the components, parts or compatible products corresponding to the trademark term from the advertiser. Informational sites: The primary purpose of the advertiser's site must be to provide non-competitive and informative details about the goods or services corresponding to the trademark term. Additionally, the advertiser may not sell or facilitate the sale of the goods or services of a competitor of the trademark owner.

©2009 Google



What is Google's trademark policy and complaint procedure?

Trademark Complaint Procedures for AdWords and AdSense:

Google recognizes the importance of trademarks. Our <u>AdWords Terms and Conditions</u> with advertisers prohibit intellectual property infringement by advertisers. Advertisers are responsible for the keywords they choose to generate advertisements and the text that they choose to use in those advertisements.

Google takes allegations of trademark infringement very seriously and, as a courtesy, we investigate matters raised by trademark owners. Trademarks are territorial and apply only to certain goods or services. Therefore, different parties can own the same mark in different countries or different industries. Accordingly, in processing complaints, Google will ask the trademark owner for information regarding where the mark is valid and for what goods or services. Please note the following about our complaint process:

The trademark owner doesn't need to be a Google AdWords advertiser in order to send a complaint. Any such investigation will only affect ads served on or by Google.

Google's trademark policy does not apply to search results. Our investigations only apply to sponsored links. For trademark concerns about websites that appear in Google search results, the trademark owner should contact the site owner directly.

In the case of an AdSense for Domains trademark complaint, an investigation will affect only the participation of the domain name in question in our AdSense for Domains program.

Because Google is not a third-party arbiter, we encourage trademark owners to resolve their disputes directly with the advertisers, particularly because the advertisers may have similar ads running via other advertising programs.

AdWords Trademark Policies

Below, you can find information on our trademark complaint procedure across different regions as well as on our advertiser authorization procedure.

Trademark Complaint Procedure:

Regions in which we monitor ad text only

We can investigate the use of trademarks in ad text in the regions listed below.

Regions

Complaint Procedure

When we receive a complaint from a trademark owner for a region listed above, we only investigate the use of the trademark in ad text. **We will not disable keywords in response to a trademark complaint.** Furthermore, our investigation will only affect ads served on or by Google.

In the U.S., we allow some ads to show with a trademark in ad text if the ad is from a reseller or from an informational site. However, if our investigation finds that the advertiser is using the trademark in the ad text in a manner which is competitive, critical, or negative, we will require the advertiser to remove the trademark and prevent them from using it in similar ad text in the future. Learn more about our U.S. trademark policy.

Outside the U.S., if our investigation finds that the advertiser is using the trademark in ad text, we will require the advertiser to remove the trademark and prevent them from using it in ad text in the future.

Google is dedicated to providing relevant advertising to our users, advertisers, and publishers alike. Accordingly, our trademark policy not to monitor the use of trademarks as keywords in the regions listed above aims to provide users with choices relevant to their keywords. At the same time, we

6/22/2009 Case 2:10-cv-00841-EL Document 1-3 Filed 03/01/10 Page 6 of 9

investigate trademark violations in ad text, both as a courtesy to the trademark owner and to ensure that ads are clear to users.

Trademark owners may submit either a specific or general trademark complaint. A specific complaint means that we will investigate a trademark term(s) in specific advertisements only. The trademark owner is required to provide the exact URLs in question and we will not investigate the trademark in any other advertisements. A general complaint means that we will investigate the trademark in all relevant advertisements. The trademark owner does not need to provide the specific URLs in question. However, if there are specific advertisers that are authorized to use the trademark(s), the trademark owner is required to provide the corresponding customer ID(s) or login email(s).

If you have concerns about the use of your trademark in AdWords ads showing in a region listed above, file a trademark complaint. If your complaint concerns use of your trademark in multiple regions, please send us one complaint with ownership information for your trademark in those regions. We will follow the appropriate procedure for each region submitted in your complaint.

- To submit your complaint via mail or fax, please complete the following steps:
 - 1. Fill in all required fields on our online complaint form.
 - 2. When finished, select the Submit button.
 - 3. Print the email confirmation and send it to one of the following addresses:

Google Inc.

Attn: Advertising Legal Support Team 1600 Amphitheatre Parkway Mountain View, CA 94043

Or via fax to: 650-649-1774

Attn: Google Trademark Complaints

Or via email to ads-trademarks@google.com

Regions in which we monitor both ad text and keywords

Trademark Authorization Procedure:

Authorization to Use Trademarks in Your Ad Campaign

Counterfeit Goods Complaint

Google AdWords prohibits the sale or promotion of counterfeit goods. Counterfeit goods contain a trademark or logo that is identical with or substantially indistinguishable from the trademark of another. Counterfeiters attempt to deceive consumers into believing the counterfeit is a genuine product of the brand owner, or sell their goods as faux, replicas or imitations of the original product. Counterfeit goods differ from standard trademark infringement in that counterfeiters attempt to pass off their goods as the originals, instead of merely using a similar mark in a confusing manner. Counterfeit goods differ from pirated products or copyright infringement because it is the trademark that is copied, rather than software, books, artwork, etc.

We will investigate all reasonable complaints; our actions may include disapproving or disabling ads and/or terminating advertisers. Any such investigation and action will only affect ads served on or by Google.

Please note that, upon request and approval, a complainant's contact details may be forwarded to the affected advertiser(s).

If you have concerns about the **sale of counterfeit goods in AdWords ads**, please file a <u>complaint</u>. Note: This form is only available in English.

Learn more about the Google AdWords Copyright policy.

AdSense Trademark Policy for Parked Domain Names

6/22/2009 Case 2:10-cv-00841-EL Document 1-3 Filed 03/01/10 Page 7 of 9

Google provides an ad serving program via our AdSense for Domains service, wherein domain registrars can display ads on their inactive domains. If you have concerns about the **use of your trademark as a parked domain name**, file an AdSense for Domains trademark complaint.

Once Google receives all of the required information from the trademark owner, the claim will be investigated, and appropriate action will be taken.

©2009 Google



Updates to AdWords Trademark Policy

What's changing with the AdWords Trademark Policy? When?

Google has made a policy revision that applies to complaints we receive regarding trademark use in keywords. Beginning 4 June 2009, keywords that were restricted as a result of a trademark investigation will no longer be restricted in the following regions:

Regions

Why did Google change its trademark policy?

Google's goal is to provide our users with the most relevant information, whether from search results or advertisements, and we believe users benefit from having more choice. Our policy aims to balance the interests of users, advertisers, and trademark owners while leveling the playing field for all advertisers.

Who's affected by the policy change?

Google's revised trademark policy applies to trademarks held in the regions listed above. We will continue to handle trademark complaints for all other regions pursuant to the <u>existing trademark policy</u>.

What will happen to existing trademark complaints?

Beginning 4 June 2009, keywords that were restricted as a result of a trademark complaint and investigation will no longer be restricted in the affected regions listed above. We will continue to monitor and restrict trademark use in ad text if your complaint indicated that you were concerned with ad text.

Will Google respond to trademark complaints in the affected regions?

Yes. With respect to those regions, Google will continue to perform investigations related to ad text, as is currently the case in the U.S., Canada, the U.K., and Ireland.

What are your plans to extend this policy to additional regions?

The revised policy only applies to the indicated regions above. We do not have any plans to extend this policy at this time.

Will trademark terms in my account start triggering ads?

Keywords that were restricted as a result of a trademark investigation may begin triggering your ads in the affected regions, starting 4 June 2009.

Does this mean that I can now use trademark terms as keywords?

Google is not in a position to make recommendations regarding the use of terms corresponding to trademarks. If you have further questions, we encourage you to contact your legal counsel and consult the <u>AdWords Terms and</u> Conditions.

How do I change the list of authorized users of my trademark in ad text?

If you would like to edit the list of authorized users of your trademark in your current trademark complaint, please send us a revised list. Learn more about our trademark authorization procedure.

Whom should I contact if I have further questions about this policy change?

6/22/2009	Case 2:10-cv-00841-EL	Document 1-3	Filed 03/01/10	Page 9 of 9
You can email change.	trademark-policy-revision@g	oogle.com regarding	any questions you	might have about the policy
		@2000 Canada		
		©2009 Goodle		